

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DIANA JOHNSON,**

**Plaintiff,**

**vs.**

**No. 11-cv-0786 RB/SMV**

**METROPOLITAN LIFE INSURANCE CO.,**

**Defendant.**

**SCHEDULING ORDER**

THIS MATTER came before the Court on a FED. R. CIV. P. 16 Scheduling Conference conducted on February 22, 2012.

This case arises from a dispute concerning an insurance plan covered by the Employee Retirement Insurance Security Act (“ERISA”). Plaintiff challenges the plan administrator’s denial of accidental-death-and-dismemberment benefits under the plan. The Court will review the administrator’s decision for abuse of discretion. *Holcomb v. Unum Life Ins. Co. of Am.*, 578 F.3d 1187, 1192 (10th Cir. 2009). In reviewing the administrator’s decision, the Court is limited to the administrative record. *Weber v. GE Grp. Life Ins. Co.*, 541 F.3d 1002, 1011 (10th Cir. 2008). As such, extra-record discovery is generally inappropriate. *Murphy v. Deloitte & Touche Grp. Ins. Plan*, 619 F.3d 1151, 1157 (10th Cir. 2010); FED. R. CIV. P. 26(b)(1) (permitting discovery only where it “appears reasonably calculated to lead to the discovery of admissible evidence.”). The Court, therefore, will not allow discovery in this case. Either party may file a motion to allow discovery if it feels discovery is appropriate.

Defendant shall provide a bates-stamped copy of the administrative record to Plaintiff by February 29, 2012. The parties shall brief the abuse-of-discretion issue according to the following briefing schedule:

**Plaintiff's Brief in Chief**                      **May 4, 2012**

**Defendant's Response Brief**              **June 1, 2012**

**Plaintiff's Reply Brief**                      **June 15, 2012**

The parties shall attend a mandatory settlement conference on **March 28, 2012** in Albuquerque. The Court will issue a separate order with the details for the settlement conference.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR  
United States Magistrate Judge